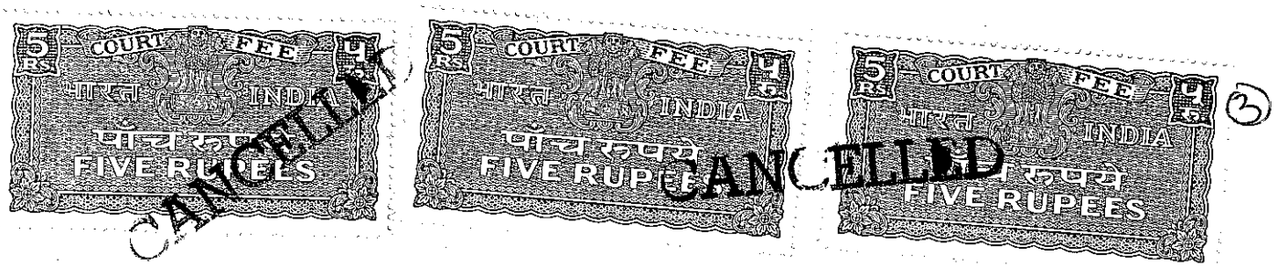

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G.)

CIVIL REVISION NO. - 77 OF 2004

Single Bench

PETITIONER - Keshav Ram Banjare, S/o Jhukuram Banjare, Aged about - 45 years, Resident of - Village - Amera, Police Station - Palari, District - Raipur (C.G.)

VERSUS

RESPONDENTS - 1. Nohar Lal Chandrakar, S/o Chhanu Lal Chandrakar, Aged about - 28 years, Resident of - Village - Birkona, Police Station - Arang, District - Raipur (C.G.)

2. Devendra Kumar Jangde, S/o Kishan Lal Jangde, Resident of- Godri River Turn, District - Mahasamund (C.G.)

3. Oriental Insurance Company P. Ltd., Divisional Manager, Divisional Office Medical College Road, Raipur (C.G.)

4. Laxmichand, S/o Lattu Ram Patel, Aged about - 22 years, Resident of - Goinda, Police Station - Arang, District - Raipur (C.G.)

P. R. No. 992 dated ... Presented by Shri ... dated ... 12 ...

MEMO OF CIVIL REVISION UNDER SECTION 115 OF CIVIL PROCEDURE CODE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(24)

आदेश पत्रक

मामला क्रमांक C.R.No. 77/2004 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

04.05.2005

Shri Shivendu Pandya, counsel for the applicant.
None for the respondents.
Heard.

This revision has been directed against the impugned order dated 27.02.2004 by which the learned Claims Tribunal has dismissed the application of the applicant for making payment of Rs. 17,187/- which is deposited as fixed deposit in the concerned Bank as per directions passed in the award pertaining to claim case No. 11/1999.

It is submitted that total sum of Rs. 35,000/- was awarded to the applicant out of which only aforesaid amount is 17,187/- has been deposited in the fixed deposit and rest of the amount was paid to him.

Learned counsel for the applicant submits that the applicant remains in ill conditions and he has also performed marriage of his son for which he has taken loan of Rs. 4,000/- and Rs. 5,000/- total of Rs. 9,000/- from two persons.

The learned Claims Tribunal has rejected the application on the ground that the applicant could not substantiate aforesaid grounds that he remains in ill condition and that he has taken loan from two different persons as mentioned above.

Learned counsel for the applicant submits that if the amount of applicant is not paid to him, he will suffer irreparable loss and shall be deprived of the benefits of the award, which has been passed in favour of the applicant.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(25)

आदेश पत्रक

मामला क्रमांक C.R.No. 77/2004 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

I have considered the facts and have also perused the records filed along with the revision petition.

The most important fact is that the aforesaid fixed deposit is going to mature on 5.1.2006 and hardly a period of about 7 months is to lapse and if the fixed deposit is not disbursed, the applicant would get proper interest thereon after maturity on the said date.

Learned counsel for the applicant further submits that looking to the ill conditions of the applicant and also looking to the pressure of the persons from whom he has taken loan, the applicant is not in a position to wait for even 7 months. In fact, the amount in fixed deposit is in the interest of the applicant himself, however, if the applicant would not get fruits of the award passed in his favour, the very purpose of award and also purpose for keeping the amount in fixed deposit will frustrate.

Considering the above facts and circumstances, this revision is allowed. The impugned order is set aside. The matter is remanded to the Tribunal for reconsideration. The Tribunal will give appropriate opportunity to the applicant to substantiate that he has taken loan from two persons and also to substantiate that he remains in ill conditions. After giving this opportunity, the Tribunal would pass appropriate order in this regard in accordance with law.

The revision is finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

(पीछे देखिये)